

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
SEPTEMBER 27, 2016

The North Cass Water Resource District met on September 27, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Wes Ecker, Chairman; Robert Thompson, Manager (by phone); Ken Loughheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kathy Grueneich, Administrative Assistant; Sean M. Fredricks and Lukas Andrud, Attorneys for the Board; Mike Opat, Engineer for the Board; and Pat Downs, Moore Engineering, Inc.

**Minutes**

It was moved by Manager Thompson and seconded by Manager Loughheed to approve the minutes of the August 23, 2016, meeting. Upon roll call vote, the motion carried unanimously.

**Drain 23 Improvement Project No. 2016-01**

The Board reviewed information from the State Engineer regarding *Application to Drain No. 4816*, previously submitted by the North Cass Water Resource District regarding Drain 23 Improvement Project No. 2016-01. The North Cass Water Resource District (District) owns, operates, and maintains Cass County Drain NC-2 District, a single drainage system and a single maintenance assessment district that includes Cass County Drain 23.

The District concluded certain drainage improvements are necessary to Drain 23 to provide increased drainage depth and capacity, enhanced control over the Drain 23 watershed, and more effective and efficient drainage for the benefit of the properties within the Drain 23 watershed. The District is proceeding with Drain 23 Improvement Project No. 2016-01, a project that will include improvements to Drain 23 in Section 12 of Gardner Township. The project will include the preliminary analysis, design, and construction of additional channel bottom depth, capacity, and side slope improvements; relocation, installation, and improvements of intercept drainage culverts; design, redesign, construction, and reconstruction of roadway and railroad crossing improvements; purchasing and acquiring additional right of way to accommodate the drainage improvements; and other work necessary and incidental to the reconstruction and improvement of Drain 23. The District submitted this permit application regarding the drain improvements. The State Engineer concluded the project is not "of statewide or interdistrict significance."

The Board adopted Moore Engineering Inc.'s proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will acquire the requisite right of way to accommodate the project, and the right of way acquisition will eliminate adverse impacts to private landowners.

It was moved by Manager Loughheed and seconded by Manager Thompson to approve *Application to Drain No. 4816* for the North Cass Water Resource District Drain 23 Improvement Project No. 2016-01, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

Mike Opat reported on the September 20, 2016, bid opening. He recommended waiting to award the contract on the project until the necessary right of way is acquired.

Pat Downs and Luke Andrud reported on the land acquisition process for Drain 23 Improvement Project No. 2016-01. After much discussion, the Board directed them to set a short deadline to acquire the outstanding right of way needed for the project, so the contract can be awarded and the project completed this fall.

### **Bills**

It was moved by Manager Loughheed and seconded by Manager Thompson to approve payment of Checks #4125 through #4136 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Ecker, Thompson and Loughheed. The Chairman declared the motion passed.

### **Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

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Wes Ecker  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer